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9 **Attorneys for Plaintiff**  
10 **Garden City Boxing Club, Inc.**

11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 **Garden City Boxing Club, Inc.,**

14 **Plaintiff,**

15 **vs.**

16 **Jose Andrade, et al.**

17 **Defendants.**

18 **CASE NO. CV 05-05004 JW**

19 **STIPULATION OF DISMISSAL OF**  
20 **PLAINTIFF'S COMPLAINT**  
21 **AGAINST DEFENDANTS JOSE**  
22 **ANDRADE AND ROSA MIRTALA**  
23 **ANDRADE, individually and d/b/a**  
24 **PEPES TAQUERIA A/K/A PEPE'S**  
25 **TAQUERIA II**

26 **IT IS HEREBY STIPULATED** by and between Plaintiff GARDEN CITY  
27 **BOXING CLUB, INC.** and Defendants JOSE ANDRADE and ROSA MIRTALA  
28 **ANDRADE**, that the above-entitled action is hereby dismissed **without prejudice**  
against JOSE ANDRADE and ROSA MIRTALA ANDRADE subject to the Court's  
jurisdiction to enforce the settlement agreement reached between the Parties.

**IT IS FURTHER STIPULATED** that provided no Party referenced above has  
filed a motion to reopen this action by August 15, 2008, this Court shall *not* have  
jurisdiction to set aside the dismissal and the dismissal shall be deemed to be **with**  
**prejudice.**

1 This dismissal is made pursuant to Federal Rules of Civil Procedure 41(a)(1).  
2 Each Party referenced-above shall bear its own attorneys' fees and costs.  
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5  
6  
7 Dated: September 27, 2006

  
8 **LAW OFFICES OF THOMAS P. RILEY, P.C.**

9 By: Thomas P. Riley  
10 Attorneys for Plaintiff  
11 GARDEN CITY BOXING CLUB, INC.  
12


13 Dated:

PLEASE SEE ATTACHED

14 **LAW OFFICES OF CYNTHIA L. COX**

15 By: Cynthia L. Cox, Esquire  
16 Attorneys for Defendants JOSE ANDRADE AND  
17 ROSA MIRTALA ANDRADE, individually and  
18 D/B/A PEPES TAQUERIA A/K/A PEPE'S  
19 TAQUERIA II  
20  
21  
22

23 **IT IS SO ORDERED:**

24   
25  
26 **The Honorable James Ware**  
27 **United States District Court**  
28 **Northern District of California**

Dated: 10/02/06

09/27/2006

This document is made pursuant to Federal Rules of Civil Procedure 41(a)(1).

Each Party referenced above shall bear its own attorneys' fees and costs.

Dated: September 27, 2006

LAW OFFICES OF THOMAS P. RILEY, P.C.

By: Thomas P. Riley

Attorneys for Plaintiff

GARDEN CITY BOXING CLUB, INC.

Dated: 9/27/06

LAW OFFICES OF CYNTHIA L. COX

By: Cynthia L. Cox, Esquire

Attorneys for Defendants JOSE ANDRADE AND

ROSA MIRTALA ANDRADE, individually and

ORLA PEPE'S TAQUERIA A/K/A PEPE'S

TAQUERIA II

IT IS SO ORDERED:

Dated: \_\_\_\_\_

The Honorable James Wart  
United States District Court  
Northern District of California

**PROOF OF SERVICE (BY FAX & OVERNIGHT MAIL)**

I declare that:

I am employed in the County of Los Angeles, California. I am over the age of eighteen years and not a party to the within cause; my business address is First Library Square, 1114 Fremont Avenue, South Pasadena, California 91030. I am readily familiar with this law firm's practice for collection and processing of correspondence/documents for mail in the ordinary course of business.

On September 27, 2006, I served:

**STIPULATION OF DISMISSAL OF PLAINTIFF'S COMPLAINT  
AGAINST DEFENDANTS JOSE ANDRADE AND ROSA MIRTALA  
ANDRADE, individually and d/b/a PEPES TAQUERIA A/K/A PEPE'S  
TAQUERIA II**

On all parties in said cause by enclosing a true copy thereof in a sealed envelope with postage prepaid and following ordinary business practices, said envelope was duly mailed and addressed to:

Ms. Cynthia L. Cox, Esquire                      Attorneys for Defendants  
Law Offices of Cynthia L. Cox  
1212 Broadway, Suite 1400  
Oakland, CA 94612

I declare under the penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct and that this declaration was executed on September 27, 2006, at South Pasadena, California.

Dated: September 27, 2006

  
INESA MAMIDJANYAN